

Docket No.: 061352-0039



*co/c*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
Yamashita, ICHIRO	:	Confirmation Number: 4459
Application No.: 10/617,955	:	Group Art Unit: 1641
Patent No.: 7,037,728 B2	:	
Filed: July 14, 2003	:	Examiner: Yu, Melanie
Issued: May 2, 2006	:	

For: FINE PARTICLE FILM AND PRODUCING METHOD OF THE SAME

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.322**

**Certificate**

Mail Stop Certificate of Correction  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AUG 18 2006

**of Correction**

Sir:

In reviewing the above-identified patent, a printing error was discovered therein requiring correction in order to conform the Official Record in the application.

The error noted is set forth on the attached copy of form PTO-1050 Rev. 2-93 in the manner required by the Commissioner's Notice.

Specifically, in the Claims, Column 17, line 39, insert the word - - of - - between the words "apoferritin" and "SEQ ID No. 2". A copy of the Examiner's Amendment dated September 9, 2005, showing the correct wording is attached for your information and convenience.

The change requested herein occurred as a result of printing the Letters Patent and the Certificate should be issued without expense under Rule 322 of the Rules of Practice. Accordingly, Applicants request issuance of the Certificate of Correction.

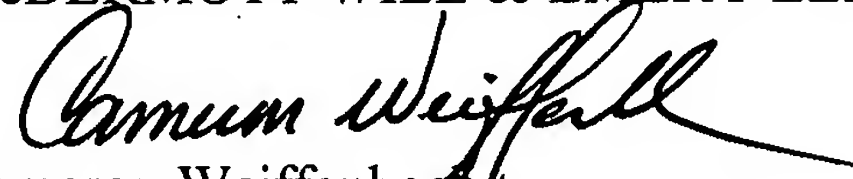
AUG 21 2006

10/617,955  
7,037,728 B2

Please charge any shortage in fees due in connection with the filing of this paper to Deposit  
Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Cameron Weiffenbach  
Registration No. 44,488

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 CKW:bd  
Facsimile: 202.756.8087  
**Date: August 16, 2006**

**Please recognize our Customer No. 20277  
as our correspondence address.**

WDC99 1271400-1.061352.0039

AUG 21 2006

Staple  
Here  
Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 7037728

DATED : May 02, 2006

INVENTOR(S) : Yamashita, ICHIRO

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

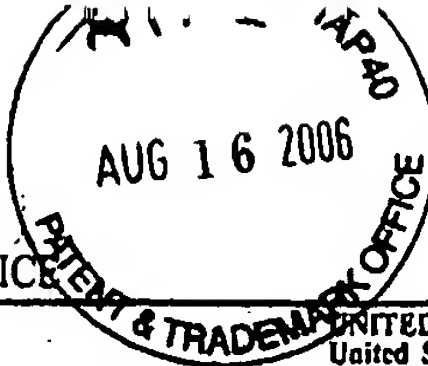
**IN THE CLAIMS:**

Column 17, line 39, between "apoferritin" and "SEQ ID No. 2", insert - - of --.

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UNITED STATES PATENT AND TRADEMARK OFFICE

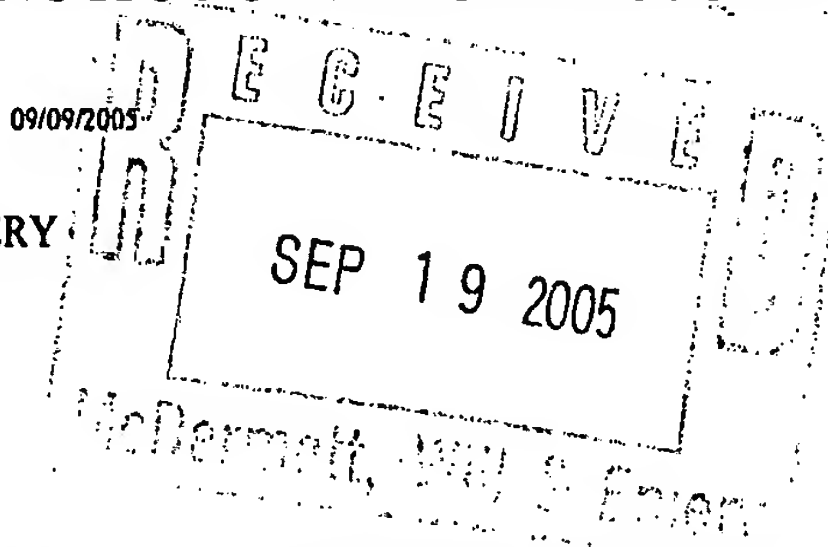


UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
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www.uspto.gov

*Handwritten signature*

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590  
Michael E. Fogarty  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096



EXAMINER

YU, MELANIE J

ART UNIT PAPER NUMBER

1641

DATE MAILED: 09/09/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,955	07/14/2003	Ichiro Yamashita	61352-039	4459

TITLE OF INVENTION: FINE PARTICLE FILM AND PRODUCING METHOD OF THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	12/09/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

AUG 21 2006

# Notice of Allowability

Application No.

10/617,955

Examiner

Melanie Yu

Applicant(s)

YAMASHITA, ICHIRO

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed 16 June 2005.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ The drawings filed on 14 July 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

AUG 21 2005

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Cameron Weiffenbach on September 2, 2005.

The application has been amended as follows:

In claim 1, line 4, after "apoferritin" insert --of SEQ ID NO. 2--.

Line 5, "in SEQ ID NO. 2" has been deleted.

### REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a fine particle film comprising a modified apoferritin of SEQ ID NO. 2 with substitutions only at position 149 and position 151, wherein a basic amino acid is substituted for glycine at position 149 and a basic amino acid is substituted for glutamine at position 151, wherein a basic amino acid is selected from the group consisting of: lysine, histidine or arginine. Heusterspreute et al. (Amino Acid Sequence of Horse Spleen Apoferritin, 1981, FEBS Letters, Vol. 129, Num. 2, pages 322-327) teach SEQ ID NO. 2, but fail to teach the substitutions for glycine and glutamine at positions 149 and 151, respectively. Heusterspreute et al. also fail to teach lysine at positions 112 and 113.

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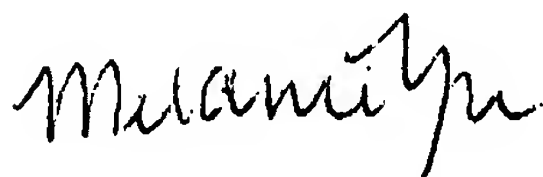
Art Unit: 1641

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Yu whose telephone number is (571) 272-2933. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melanie Yu  
Patent Examiner  
Art Unit 1641



LONG V. LE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

09/05/05

AUG 21 2005